

Officer History

Officer Name: Podlovits, Richard

Tax ID: [REDACTED]

Sex: M

Shield: 19283

Race: White

Rank: POM

Command: 052

DOB: [REDACTED]

Appt Date: 01/07/2015

Age: 30

Tenure: 5

CCRB #	Report Date	Incident Date	Allegation	Disposition	NYPD Disposition	NYPD Penalty	Command
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
201901922	03/04/2019	03/04/2019	Abuse - Entry of Premises	Substantiated (Charges)			052
	03/04/2019	03/04/2019	OMN - Improper use of body-worn camera	Other Misconduct			052
	03/04/2019	03/04/2019	Abuse - Threat to damage/seize property	Unsubstantiated			052
	03/04/2019	03/04/2019	Force - Gun Pointed	Alleged Victim Uncooperative			052
201910753	12/16/2019	12/15/2019	Abuse - Failure to provide RTKA card	Substantiated (Command Discipline B)			183
	12/16/2019	12/15/2019	Abuse - Search (of person)	Unfounded			183
	12/16/2019	12/15/2019	Abuse - Question	Unfounded			183
	12/16/2019	12/15/2019	Abuse - Question	Exonerated			183
	12/16/2019	12/15/2019	Abuse - Interference with recording	Unfounded			183
	12/16/2019	12/15/2019	Abuse - Frisk	Substantiated (Command Discipline B)			183
	12/16/2019	12/15/2019	Abuse - Frisk	Substantiated (Command Discipline B)			183

Total Charges = 16

Total Cases = 4

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Raquel Velasquez	Team: Squad #4	CCRB Case #: 201901922	<input checked="" type="checkbox"/> Force <input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> Discourt. <input type="checkbox"/> O.L. <input type="checkbox"/> Injury	U.S.
Incident Date(s) Mon, 03/04/2019 7:00 PM	Location of Incident: [REDACTED] Apt. [REDACTED] I; front of 219 Miriam Avenue		Precinct: 52	S.O.L. Expires: 09/04/2020	
Date/Time CV Reported Mon, 03/04/2019 11:32 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 03/04/2019 11:32 PM		

Complainant/Victim	Type	Home Address
1. [REDACTED]	Comp/Victim	[REDACTED]
2. [REDACTED]	Comp/Victim	[REDACTED]
3. [REDACTED]	Comp/Victim	Unknown
4. [REDACTED]	Comp/Victim	Unknown

Witness(es)	Home Address
1. [REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
2. [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
3. POM Richard Podlovits	19283	957965	052 PCT
4. [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
A . POM Richard Podlovits	Force: At Miriam Street and Valentine Avenue in the Bronx, A . Alleged Victim Uncooperative Police Officer Richard Podlovits pointed his gun at [REDACTED]	
B . [REDACTED]	[REDACTED]	[REDACTED]
D . POM Richard Podlovits	Abuse of Authority: Police Officer Richard Podlovits entered D . Substantiated [REDACTED] Apartment [REDACTED] in the Bronx.	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
E . [REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
N . POM Richard Podlovits	Abuse of Authority: [REDACTED] Apartment [REDACTED] in the Bronx, Police Officer Richard Podlovits threatened to damage Norma [REDACTED] property.	N . Unsubstantiated
O . [REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
Q . POM Richard Podlovits	Other: Police Officer Richard Podlovits improperly used his body-worn camera according to Patrol Guide Procedure 212-123.	Q . Other Misconduct
R [REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Case Summary

On March 4, 2019, [REDACTED] contacted the CCRB by phone and filed this complaint in Spanish on her own behalf and on behalf of her tenant, [REDACTED] and two teenage acquaintances, [REDACTED] and [REDACTED].

On March 4, 2019, at approximately 6:30 p.m., Mr. [REDACTED] was walking to his home, located at [REDACTED] Apartment [REDACTED] in the Bronx. Mr. [REDACTED] was approached by a male, identified by the investigation as [REDACTED] in front of 219 Miriam Avenue in the Bronx. After having a brief interaction with Mr. [REDACTED] Mr. [REDACTED] and Mr. [REDACTED] went their separate ways. Mr. [REDACTED] walked for approximately a half a block, when he heard someone yell behind him. When Mr. [REDACTED] turned around, he saw a male, identified by the investigation as PO Richard Podlovits of the 52nd Precinct, point his gun at Mr. [REDACTED] (**Allegation A: Abuse of Authority, alleged victim uncooperative**). Mr. [REDACTED] then fled.

On March 4, 2019, at approximately 7:00 p.m., Ms. [REDACTED] was inside her apartment located at [REDACTED] Apartment [REDACTED] in the Bronx with Mr. [REDACTED] and Mr. [REDACTED]

Mr. [REDACTED] returned home and went to this bedroom, which he rents from Ms. [REDACTED]. Several minutes later, Ms. [REDACTED] heard a knock on the front door. Ms. [REDACTED] opened the door. Deputy Inspector [REDACTED] PO [REDACTED] PO [REDACTED] and additional officer from the 52nd Precinct, and Det. [REDACTED] PO [REDACTED] and PO [REDACTED] all from the Emergency Service Unit were present. Officers drew their guns (**Allegation B: Abuse of Authority, exonerated**). Officers allegedly pointed their guns at Ms. [REDACTED] **Allegation C: Abuse of Authority, officer unidentified**). Officers removed Ms. [REDACTED] Mr. [REDACTED] and Mr. [REDACTED] from the apartment. Based on the information provided by PO Podlovits and PO [REDACTED] Det. [REDACTED] PO [REDACTED] and PO [REDACTED] entered Ms. [REDACTED] apartment (**Allegations D and E: Abuse of Authority, Substantiated**). Det. [REDACTED] PO [REDACTED] and PO [REDACTED] searched Ms. [REDACTED] apartment (**Allegations F, G, and H: Abuse of Authority, exonerated**). PO [REDACTED] told Mr. [REDACTED] "Don't fuck turn around," (**Allegation I: Courtesy, exonerated**). Unidentified officers searched Mr. [REDACTED] and Mr. [REDACTED] (**Allegations J and K: Abuse of Authority, officers unidentified**).

Deputy Inspector [REDACTED] allegedly threatened to arrest Ms. [REDACTED] if she did not cooperate (**Allegation L: Abuse of Authority, unsubstantiated**). An unidentified officer said to Mr. [REDACTED] "Open or we are going to break the door" (**Allegation M: Abuse of Authority, officer unidentified**). Mr. [REDACTED] was apprehended and Ms. [REDACTED] was brought back to her apartment. PO Podlovits allegedly threatened to break a safe box if Ms. [REDACTED] did not provide the key (**Allegation N: Abuse of Authority, unsubstantiated**). Ms. [REDACTED] eventually found the key and went Mr. [REDACTED] bedroom to open the safe. She saw that the drawers, closets, and shoe boxes were opened as if the officers searched them (**Allegation O: Abuse of Authority, officers unidentified**). Under DI [REDACTED] directive, PO [REDACTED] gave Ms. [REDACTED] a consent to search form authorizing them to search Mr. [REDACTED] bedroom. Ms. [REDACTED] signed the form and officers searched (**Allegation P: Abuse of Authority, unsubstantiated**). PO Podlovits and PO [REDACTED] improperly used their body-worn cameras during this incident (**Allegations Q and R: Other, other misconduct**). PO [REDACTED] and PO [REDACTED] did not prepare memo book entries for this incident (**Allegations S and T: Other, other misconduct**).

As a result of this incident, Mr. [REDACTED] was arrested for criminal possession of controlled substance in the fifth degree with intent to sell (BR 03). Ms. [REDACTED] Mr. [REDACTED] and Mr. [REDACTED] were not arrested or summonsed.

The investigation was provided with several BWC recordings which are discussed in greater details below.

Findings and Recommendations

Allegation (A) Force: At Miriam Street and Valentine Avenue in the Bronx, Police Officer Richard Podlovits pointed his gun at [REDACTED]

Mr. [REDACTED] was uncooperative with the investigation (BR 019). In his telephone statement (BR 02), Mr. [REDACTED] stated that he rented a bedroom in Ms. [REDACTED] apartment. Mr. [REDACTED] was walking home when a male, identified by the investigation as [REDACTED] approached him and asked where he could buy cigarettes. Mr. [REDACTED] directed Mr. [REDACTED] to a nearby grocery store and walked away. Mr. [REDACTED] denied exchanging money or drugs with Mr. [REDACTED]. Mr. [REDACTED] denied having drugs or a weapon on his person. Approximately half a block later, Mr. [REDACTED] heard someone yell behind him. Mr. [REDACTED] turned around and saw PO Podlovits run in his direction with his gun pointed at him. Mr. [REDACTED] got scared and ran home.

There is no video evidence of this part of the incident.

PO Podlovits (BR 04) testified that he, PO [REDACTED] and Sgt. [REDACTED] were driving northbound on Valentine Avenue in the vicinity of Miriam Avenue in the Bronx. PO Podlovits observed Mr. [REDACTED] hand a "large quantity" of small clear plastic baggies to Mr. [REDACTED]. The content of the baggies was later determined to be phencyclidine (or PCP). PO Podlovits exited the vehicle and said, "Police!" Mr. [REDACTED] turned around, looked over his left shoulder, reached for his waistband with his right hand and clutched what appeared to be a gun handle. PO Podlovits could not approximate the size of the handle or describe its shape but, based on his training and experience, he believed that Mr. [REDACTED] reached for a gun. PO Podlovits yelled, "Do not run!" Mr. [REDACTED] threw the baggies in between two parked vehicles and ran towards Miriam Avenue. Mr. [REDACTED] remained at the scene. PO Podlovits ran after Mr. [REDACTED]. He denied drawing or pointing his gun at Mr. [REDACTED] at any point.

Because Mr. [REDACTED] is the sole victim of this allegation, he did not provide a sworn statement, and because there was no video evidence to corroborate or dispute the testimonies of either of the parties involved, it is therefore recommended that **Allegation A** be closed as **Alleged Victim Uncooperative**.

Allegation (D) Abuse of Authority: Police Officer Richard Podlovits entered [REDACTED] Apartment [REDACTED] in the Bronx.

It is undisputed that officers drew their guns. It remains disputed whether any officer pointed their guns at Ms. [REDACTED] Mr. [REDACTED] or Mr. [REDACTED]

Ms. [REDACTED] (BR 01) stated that she resides in her three-bedroom apartment leased to her and her 26-year-old son, [REDACTED]. Ms. [REDACTED] had been renting out one of the bedrooms to Mr. [REDACTED] for more than two years. Ms. [REDACTED] was in her apartment with Mr. [REDACTED] and Mr. [REDACTED] who had assisted her in transporting a table up the stairs. Mr. [REDACTED] was in his bedroom, but Ms. [REDACTED] did not notice when he first entered. Mr. [REDACTED] told Ms. [REDACTED] that he had run away from the officers. Officers knocked on Ms. [REDACTED] apartment door twice and did not say anything. Ms. [REDACTED] approached the front door and turned the doorknob but was unable to pull the door open. Ms. [REDACTED] noticed that the door was being closed by officers with a rope. Ms. [REDACTED] became "hysterical," crying and yelling that the officers could not do that to her and asking what was going on. Mr. [REDACTED] and Mr. [REDACTED] became afraid and approached Ms. [REDACTED]. Ms. [REDACTED] pulled on the door again and the door opened. Ms. [REDACTED] then saw several officers outside with their guns pointed at her, Mr. [REDACTED] and Mr. [REDACTED]. Ms. [REDACTED] Mr. [REDACTED] and Mr. [REDACTED] were removed from the apartment. The officers asked Ms. [REDACTED] if there was anyone else in the apartment. Ms. [REDACTED] told the officers that Mr. [REDACTED] was inside and explained which bedroom he was in. Officers then entered the apartment. Ms. [REDACTED] remained standing in the hallway outside of the apartment. Ms. [REDACTED] did not see what the officers did in her apartment.

The investigation was unable to establish contact with Mr. [REDACTED] and Mr. [REDACTED] (BR 06).

PO [REDACTED] BWC recording (BR 07) begins with PO [REDACTED] and PO Podlovits running into the lobby of 2780 Grand Concourse Avenue. Between 00:03 and 01:00, PO [REDACTED] runs up the staircase and reaches the fifth floor. PO [REDACTED] points his gun in the direction of the staircase landing and says, "Yo, came back down! Put the gun down. You are going get shot." There is no one in front of PO [REDACTED]. At 06:23, PO [REDACTED] knocks on someone's door to his left and speaks in Spanish with an unidentified female, F1. PO [REDACTED] says that he is the police and asks if a black male entered her apartment. F1 replies, "No." PO [REDACTED] then asks F1 where the stairs above the fifth-floor lead to. F1 says there is a door that leads to the roof and that it is monitored by an alarm. She did not hear the alarm go off. Between 07:45 and 08:11, PO [REDACTED] rings the doorbells of several other apartment doors. At 09:25, PO [REDACTED] and several other officers go up the staircase above the fifth floor and an alarm goes off. Between 09:55 and 10:20, PO [REDACTED] knocks on another fifth-floor apartment door and another unidentified female, F2, opens the door. PO [REDACTED] says that he is the police and speaks with F2 in Spanish. PO [REDACTED] asks PO2, "Do you have a young male child?" F2 shakes her head and says, "No." PO [REDACTED] asks, "Between 17 and 18 years old? Around there?" F2 shakes her head and says, "No." PO [REDACTED] asks, "Do you know who moved here in this (inaudible)?" F2 says, "New people moved in there not too long ago." PO [REDACTED] asks, "Are they young males?" F2 responds, "I don't know." PO [REDACTED] asks, "Around what age?" F2 responds, "I don't know because I haven't seen them."

At 10:30, PO [REDACTED] states, "The guy went into this door. The key is still in the door. So, it has to be this door right here." At 10:46, an ESU officer, Det. [REDACTED] is at the scene. Det. [REDACTED] says to PO [REDACTED], "So, you think he went in there. Are you sure?" PO [REDACTED] replies, "Yeah, he went in there," and, "We know he is there. This door right here," as he directs Det. [REDACTED] to Ms. [REDACTED] apartment. At 11:04, Det. [REDACTED] and two additional ESU officers, PO [REDACTED] and PO [REDACTED] approach Ms. [REDACTED] apartment. At 11:48, a male voice says, "Nobody lives in here. We talk to this one and that one." Between 11:48 and 12:27, PO [REDACTED] or PO [REDACTED] are heard saying, "Who is it?" Movement is heard behind the door. Ms. [REDACTED] replies in English,

"It's my house." She provides her name and asks to open the door. The officers ask Ms. [REDACTED] who else is in the apartment with her. Ms. [REDACTED] does not respond to the question but asks to open the door. PO [REDACTED] or PO [REDACTED] says to Ms. [REDACTED] "We will open the door in a little bit. We just want to know who else is inside with you." Ms. [REDACTED] yells, "Open the fucking door!" At 12:27, Ms. [REDACTED] says in Spanish, "Open."

Between 12:34 and 14:17, PO [REDACTED] speaks to Ms. [REDACTED] in Spanish and translates their conversation to the officers. PO [REDACTED] says, "Who else is inside?" Ms. [REDACTED] responds, "I got some boys in here, but.... Hey! (Inaudible) Why are you doing that to me?" PO [REDACTED] asks, "Where is he? Is he inside there?" Ms. [REDACTED] says, "Let me talk." PO [REDACTED] responds, "Okay, tell me." Ms. [REDACTED] states, "You know I suffer from my nerves. You can't do this to me." PO [REDACTED] responds, "Okay, but where is he?" Ms. [REDACTED] says, "Open the door. I'm sick from my nerves." PO [REDACTED] states, "I'm going to open up, but who else is in there?" Ms. [REDACTED] says, "Please. There are just two small boys inside." PO [REDACTED] responds, "Are they small?" Ms. [REDACTED] responds, "Yes." PO [REDACTED] tells the rest of the officers in English that Ms. [REDACTED] relayed there are only two kids. Ms. [REDACTED] states, "Please open the door." PO [REDACTED] tells Ms. [REDACTED] in Spanish, "Give me a second. How old are the kids?" PO [REDACTED] then asks Ms. [REDACTED] "Are you okay? Did they force you? Are they holding you?" and, "Are there more people inside, yes or no?" Ms. [REDACTED] responds, "Listen to me, fucker...Shut up...Look...They're going to have to call an ambulance. I'm going to sue you. You can't do this to the door." PO [REDACTED] then translates from English to Spanish, "Put your hands up. Put your hands up." The video does not capture Ms. [REDACTED] but only her voice and she speaks in Spanish. At 14:18, PO [REDACTED] raises his gun to his chest level and says, "Hands up." It is unclear if he points the gun at anyone. At 14:23, two young males, Mr. [REDACTED] and Mr. [REDACTED] exit the apartment with their hands raised above their heads. Ms. [REDACTED] yells something in Spanish. At 14:37, PO [REDACTED] turns around to speak to Ms. [REDACTED] who is standing behind him. Meanwhile, PO [REDACTED] BWC captures PO [REDACTED] and PO [REDACTED] inside of Ms. [REDACTED] apartment.

PO Podlovits (BR 04) stated that he observed Mr. [REDACTED] engage in a hand-to-hand drug transaction with Mr. [REDACTED] and believed that Mr. [REDACTED] had a gun because Mr. [REDACTED] reached for his waistband with his right hand and clutched what appeared to be a gun handle. PO Podlovits could not approximate the size of the handle or describe its shape. PO Podlovits entered the lobby of [REDACTED] and lost sight of Mr. [REDACTED] but heard him run up the staircase. Based on the noise that Mr. [REDACTED] was making, PO Podlovits determined that the latter reached the fifth floor. While coming up the stairs, PO Podlovits heard Mr. [REDACTED] "jiggling" his keys as if he was opening a door. PO Podlovits did not see Mr. [REDACTED] when he and PO [REDACTED] reached the fifth floor. PO Podlovits saw a key sticking out from the lock of Apartment [REDACTED] and believed that Mr. [REDACTED] had entered that apartment. PO Podlovits requested additional units to the location. Several minutes later, ESU officers and Deputy Inspector [REDACTED] arrived. The ESU officers knocked on the front door of Apartment [REDACTED] and asked the residents to open the door. Five or ten minutes later, Ms. [REDACTED] Mr. [REDACTED] and Mr. [REDACTED] exited the apartment. PO Podlovits denied pointing his gun at Ms. [REDACTED] Mr. [REDACTED] or Mr. [REDACTED] and he did not recall whether any other officer did so. ESU officers entered Ms. [REDACTED] apartment to look for Mr. [REDACTED]. PO Podlovits was asked to accompany the ESU officers to identify Mr. [REDACTED]. Upon entering the apartment, the ESU officers separated and cleared all the rooms. PO Podlovits remained standing in a narrow hallway immediately behind the front door.

PO [REDACTED] (BR 05) stated that he responded to PO Podlovits' call for officer in need of assistance. PO [REDACTED] saw PO Podlovits chasing after Mr. [REDACTED] into the apartment building.

PO [REDACTED] followed them inside. PO [REDACTED] and PO Podlovits went up to the fifth floor and heard what sounded like someone closing a door in one of the fifth-floor apartments. PO [REDACTED] did not see who was there or which door was closed. PO [REDACTED] did not see anyone when he reached the fifth-floor landing. PO [REDACTED] spoke to several fifth-floor residents, but no one saw or heard anything. PO [REDACTED] also saw a key sticking out from the door lock of Apartment [REDACTED] which made him believe that Mr. [REDACTED] was inside. When ESU officers arrived, PO [REDACTED] pointed at Apartment [REDACTED] and said that Mr. [REDACTED] was inside that apartment. PO [REDACTED] tied a rope around the doorknob to maintain control of the door. The officers heard movement behind the front door, and Ms. [REDACTED] yelled in Spanish, asking the officers to open the door. PO [REDACTED] initially did not recall if he drew or pointed his gun at Ms. [REDACTED] Mr. [REDACTED] or Mr. [REDACTED] when they exited the apartment. After watching his BWC recording, PO [REDACTED] acknowledged that he had his gun drawn out of fear for his and the other officers' safety, because he did not know who was exiting the apartment. However, PO [REDACTED] denied pointing his gun at Ms. [REDACTED] Mr. [REDACTED] or Mr. [REDACTED] and said that he held the gun at his chest level with the barrel pointed down. PO [REDACTED] did not see any other officer draw or point their guns at Ms. [REDACTED] Mr. [REDACTED] or Mr. [REDACTED] Ms. [REDACTED] and the males exited the apartment, and the ESU officers entered the apartment. PO [REDACTED] believed that Deputy Inspector [REDACTED] arrived shortly after the ESU officers entered the apartment.

Det. [REDACTED] (BR 08) of ESU stated that he and PO [REDACTED] received a radio call for immediate assistance. Det. [REDACTED] and PO [REDACTED] were directed by 52nd Precinct police personnel to the incident location. Det. [REDACTED] was told that the officers had chased someone into an apartment on the fifth floor. Det. [REDACTED] and PO [REDACTED] arrived on the fifth floor and saw several plainclothes officers speaking to Ms. [REDACTED] in Spanish through the door. Det. [REDACTED] does not speak Spanish and therefore did not understand their conversation. Several minutes later, Ms. [REDACTED] opened the door and exited the apartment with two males. Det. [REDACTED] denied pointing his gun at Ms. [REDACTED] or the males. Det. [REDACTED] did not see PO [REDACTED] PO [REDACTED] or any other officer draw or point their guns at Ms. [REDACTED] or anyone else. As soon as Ms. [REDACTED] and the males exited, Deputy Inspector [REDACTED] told Det. [REDACTED] that Ms. [REDACTED] gave consent to enter her apartment. Det. [REDACTED] did not remember when Deputy Inspector [REDACTED] arrived at the scene but said that it was at some point before entry was made. Det. [REDACTED] PO [REDACTED] and PO [REDACTED] entered the apartment and went to the right of the front door and checked one of the bedrooms there. Det. [REDACTED] did not remember what specific areas they checked but they only checked the areas where a person can fit. Det. [REDACTED] PO [REDACTED] and PO [REDACTED] inspected the apartment within approximately five minutes. Mr. [REDACTED] was apprehended and he, PO [REDACTED] and PO [REDACTED] entered and performed a security sweep of that room as well.

The Emergency Service Unit ESD2 Report (BR 38) prepared by Det. [REDACTED] documents that the ESU officers responded to 10-13 radio call and assisted the 52nd Precinct Anti-Crime Team with entry to the apartment "with consent from the owner."

PO [REDACTED] (BR 09) provided a generally consistent testimony with that of Det. [REDACTED] regarding their initial response to the location. When PO [REDACTED] PO [REDACTED] and Det. [REDACTED] reached the fifth floor, they were informed by the plainclothes officers that they chased the perpetrator to the fifth floor, who then entered the apartment in question. They also said that there was the key in the door, which PO [REDACTED] did not recall seeing. PO [REDACTED] overheard the officers say that the perpetrator had a gun. PO [REDACTED] PO [REDACTED] and Det. [REDACTED] approached the front door of the apartment, and PO [REDACTED] secured it with the rope, which is standard ESU operating procedure. PO [REDACTED] held the rope and heard several voices behind the door. Ms. [REDACTED] spoke in Spanish. PO [REDACTED]

[REDACTED] did not understand what Ms. [REDACTED] said, because he does not speak Spanish. PO [REDACTED] translated Ms. [REDACTED] statements to the officers, which consisted of Ms. [REDACTED] wanting to exit the apartment. At some point, Det. [REDACTED] walked up behind PO [REDACTED] and whispered to him that Deputy Inspector [REDACTED] told them they could enter and secure the apartment after Ms. [REDACTED] exited. Det. [REDACTED] did not provide any further information or instructions to PO [REDACTED]. PO [REDACTED] did not see Deputy Inspector [REDACTED] and he did not turn around to see what was going on behind him. PO [REDACTED] released the rope and opened the door approximately two or three inches wide. PO [REDACTED] saw Ms. [REDACTED] standing behind the door with two males. Ms. [REDACTED] and the males exited the apartment one by one. PO [REDACTED] PO [REDACTED] and Det. [REDACTED] then entered the foyer area of the apartment, located immediately behind the front door. PO [REDACTED] and PO [REDACTED] stood in the foyer area awaiting further instructions, while Det. [REDACTED] spoke to Deputy Inspector [REDACTED].

At some point, Deputy Inspector [REDACTED] stepped into the apartment. A minute or two later, Det. [REDACTED] approached PO [REDACTED] and PO [REDACTED] and said that Deputy Inspector [REDACTED] told them to go in and to look for the perpetrator. Det. [REDACTED] did not tell PO [REDACTED] that Ms. [REDACTED] provided consent to enter or search the apartment. PO [REDACTED] PO [REDACTED] and Det. [REDACTED] cleared the apartment, as well as Mr. [REDACTED] room after he was apprehended, in the manner described by Det. [REDACTED]. PO [REDACTED] denied pointing his gun at Ms. [REDACTED] or the males, nor did he see PO [REDACTED] Det. [REDACTED] or any other officer do so.

PO [REDACTED] (BR 10) provided a generally consistent account with that of Det. [REDACTED] and PO [REDACTED] with the following exceptions and additional information. PO [REDACTED] did not remember seeing a key in the front door of Ms. [REDACTED] apartment, nor did he remember anyone mentioning anything about the key in the door. While PO [REDACTED] was securing the door, PO [REDACTED] heard Ms. [REDACTED] yell something in Spanish from behind the door. PO [REDACTED] did not understand what she said, because he does not speak Spanish. PO [REDACTED] acknowledged that PO [REDACTED] translated Ms. [REDACTED] statements to the officers, who wanted to exit the apartment. As soon as Ms. [REDACTED] and the males exited the apartment, Deputy Inspector [REDACTED] told PO [REDACTED] PO [REDACTED] and Det. [REDACTED] to enter and search the apartment. Deputy Inspector [REDACTED] did not say if Ms. [REDACTED] provided consent to enter, nor did PO [REDACTED] hear Ms. [REDACTED] do so. PO [REDACTED] PO [REDACTED] and Det. [REDACTED] then entered Ms. [REDACTED] apartment and conducted a security sweep of each room in the same manner as described by PO [REDACTED] and Det. [REDACTED] above, as well as Mr. [REDACTED] room after the latter was apprehended. PO [REDACTED] denied pointing his gun at Ms. [REDACTED] Mr. [REDACTED] or Mr. [REDACTED] nor did he see PO [REDACTED] Det. [REDACTED] or any other officer do so.

Deputy Inspector [REDACTED] (BR 11) stated that he was at the 52nd Precinct stationhouse, when he heard one of the Anti-Crime officers put over the radio a "10-13" radio call for assistance, stating that he was in a foot pursuit of the perpetrator, who ran inside of [REDACTED]. Deputy Inspector [REDACTED] did not remember if there was any additional information provided over the radio at that time. Deputy Inspector [REDACTED] arrived and went to the fifth floor. Deputy Inspector [REDACTED] saw Ms. [REDACTED] sitting on the staircase landing, and Mr. [REDACTED] and Mr. [REDACTED] standing by the wall. Deputy Inspector [REDACTED] spoke to [REDACTED] who informed him that the members of his team observed a hand-to-hand drug transaction between two males near Miriam Avenue and Valentine Avenue. Mr. [REDACTED] fled and grabbed and clutched his waistband, which led them to believe that he had a firearm. Mr. [REDACTED] then ran into [REDACTED], went up, and entered apartment [REDACTED]. Afterwards, Deputy Inspector [REDACTED] went to interview Ms. [REDACTED]. She did not speak English well; therefore, PO [REDACTED] was asked to translate. Ms. [REDACTED] confirmed that Mr. [REDACTED] ran into the apartment and provided his street nick name as "[REDACTED]". Ms. [REDACTED] also stated that "[REDACTED]" occasionally stays in one of the bedrooms. It appeared suspicious to Deputy

Inspector [REDACTED] that Ms. [REDACTED] did not know Mr. [REDACTED] name and knew little about him. Deputy Inspector [REDACTED] then explained to Ms. [REDACTED] that the officers believed that Mr. [REDACTED] was armed. Ms. [REDACTED] said, "No. He had nothing." Ms. [REDACTED] then told Deputy Inspector [REDACTED] that she wanted Mr. [REDACTED] out of her apartment and allowed the officers to enter her apartment to remove Mr. [REDACTED]. Deputy Inspector [REDACTED] then entered the apartment to assess the situation. Deputy Inspector [REDACTED] did not recall if the officers had entered Ms. [REDACTED] apartment upon his initial arrival at the scene. Deputy Inspector [REDACTED] stated that the events were unfolding fast and he could not pay attention to all the actions that were taken by the officers. Upon entering the apartment, Deputy Inspector [REDACTED] walked through the narrow hallway, passed the living room to the right, and approached one of the bedrooms located next to the living room. There, he saw ESU officers clearing the rooms. Deputy Inspector [REDACTED] did not see any officer point their guns at Ms. [REDACTED], Mr. [REDACTED] or Mr. [REDACTED] and denied doing so himself.

Police officers may draw and point their guns as a precautionary measure and safety response. People v. Livigni, 88 A.D.2d 386 (1982) (BR 12) The decision to display and draw a gun should be based on an articulable belief that the potential for serious physical injury is present. NYPD Patrol Guide 221-01 (BR 13)

The courts have held that officers may conduct a warrantless entry to residence when provided with voluntary consent. Consent must be free and unconstrained choice. People v. Gonzalez, 39 N.Y. 2d 122 (1976) (BR 14). In determining whether exigent circumstances exist, the courts consider the following factors: a) the gravity or violent nature of the offense with which the suspect is to be charged, b) whether the suspect is reasonably believed to be armed, c) a clear showing of probable cause to believe the suspect committed the crime, d) strong reason to believe that the suspect is in the premises being entered, e) a likelihood that the suspect will escape if not swiftly apprehended, and f) the peaceful circumstances of the entry. People v. McBride, 14 N.Y.3d 440 (2010) (BR 15). Officers may conduct protective sweep of apartment to determine if there is anyone present who might destroy evidence or pose a threat to the officers. People v. Bryant, 91 A.D.3d 558 (1st Dep’t 2012) (BR 18).

It is undisputed that PO Podlovits had probable cause to pursue and arrest Mr. [REDACTED] for criminal possession of a controlled substance in the fifth degree. PO Podlovits did not, however, reasonably suspect that Mr. Podlovits was armed. PO Podlovits and PO [REDACTED] pursued Mr. [REDACTED] into the apartment building, but both acknowledged they lost sight of him and only deduced that he had entered Ms. [REDACTED] apartment on the fifth floor because of the following reasons: they heard footsteps running up and ceasing upon reaching the fifth floor; the next floor was the roof with a door that, if opened, triggered an alarm: there was a key in the key

fob of Ms. [REDACTED] apartment door; PO [REDACTED] knocked on the apartment doors of the fifth floor and the individuals who opened the door stated that they were not involved and had not seen anything. When ESU officers arrived, PO [REDACTED] told them that Mr. [REDACTED] was inside Ms. [REDACTED] apartment. ESU officers then proceeded to tying a rope on Ms. [REDACTED] apartment door, speak with Ms. [REDACTED] and eventually entered her apartment. Based on the information gathered by PO Podlovits and PO [REDACTED] the investigation determined that they failed to meet the criterion for exigent circumstances. As such, it is recommended that **Allegations D and E be Substantiated.**

A horizontal bar chart illustrating the percentage of respondents who have heard of various environmental terms. The y-axis lists the terms, and the x-axis represents the percentage of respondents, ranging from 0% to 100%.

Term	Percentage (%)
Global warming	98
Green energy	95
Sustainable development	92
Clean water	90
Renewable energy	88
Carbon footprint	85
Recycling	82
Biodiversity	78
Climate change	75
Eco-friendly	72
Organic food	68
Nature reserve	65
Green building	62
Green transport	58
Green products	55
Green technology	52
Green economy	48
Green space	45
Green infrastructure	42
Green architecture	38
Green design	35
Green products	32
Green energy	28
Green building	25
Green transport	22
Green products	18
Green technology	15
Green economy	12
Green infrastructure	8
Green architecture	5
Green design	3
Green space	1
Nature reserve	0

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**Allegation (N) Abuse of Authority: At 2780 Grand Concourse, Apartment 5M in the Bronx,
Police Officer Richard Podlovits threatened to damage Norma [REDACTED] property.**

[REDACTED]

[REDACTED]

[REDACTED]

It is undisputed that Ms. [REDACTED] signed a consent to search form and that Mr. [REDACTED] room was searched. It is disputed however if PO Podlovits threatened to break Ms. [REDACTED] safe box during this incident. It disputed whether officers searched Mr. [REDACTED] room before Ms. [REDACTED] signed the consent to search form.

As discussed above, Ms. [REDACTED] resides in a three-bedroom apartment with her son, [REDACTED] and rents one of the bedrooms to Mr. [REDACTED]. Ms. [REDACTED] alleged that after the officers removed Mr. [REDACTED] from the apartment, she was brought back to the fifth floor. PO [REDACTED] told Ms. [REDACTED] in Spanish that the officers had chased Mr. [REDACTED] to her apartment after observing him in possession of a firearm. PO Podlovits, who was with PO [REDACTED] asked Ms. [REDACTED] for the key to the safe box that was in Mr. [REDACTED] room. The safe box belonged to Ms. [REDACTED]. Ms. [REDACTED] told PO [REDACTED] and PO Podlovits that the safe box contained her jewelry and a collection of two-dollar bills. PO Podlovits told Ms. [REDACTED] that the officers would break the safe box if she did not provide the key. Ms. [REDACTED] asked the officers if she could return to her apartment, and they allowed her to do so. Ms. [REDACTED] entered Mr. [REDACTED] room and opened the safe box. Ms. [REDACTED] noticed that Mr. [REDACTED] shoe boxes, closets, and drawers were opened as if someone had looked through them. Ms. [REDACTED] did not see any officer search Mr. [REDACTED] room, but believed that the officers must have done so. Ms. [REDACTED] gave the key from the safe box to PO Podlovits, who then opened the safe box. There was no firearm in the safe box.

PO Podlovits, PO [REDACTED] and several other officers then told Ms. [REDACTED] that they needed to search the whole apartment because there was supposedly a firearm inside. The officers told Ms. [REDACTED] she needed to sign an "order" otherwise they were going to get a search warrant, which would not be available until 12:00 a.m. PO [REDACTED] escorted Ms. [REDACTED] to the kitchen, showed her a document in Spanish and explained that the document would allow them to search the apartment. Ms. [REDACTED] told PO [REDACTED] that she did not want to sign the document. She then called her daughter who told her to allow the officers to search her apartment. At approximately 8:00 p.m., Ms. [REDACTED] signed the document. The document was in Spanish and said that by signing it, Ms. [REDACTED] was giving the officers permission to search.

Between 16:10 and 17:10 of PO [REDACTED] BWC recording (BR 07), PO [REDACTED] and Deputy Inspector [REDACTED] speak to Ms. [REDACTED] on the fifth-floor staircase landing. PO [REDACTED] translates the conversation from English to Spanish and vice versa. PO [REDACTED] says to Deputy Inspector [REDACTED] "She rents the room to one of the kids in there." Ms. [REDACTED] asks in Spanish, "What happened?" PO [REDACTED] asks Ms. [REDACTED] "And what about the other guy who lives inside?" Ms. [REDACTED] responds, "I don't know what happened. They were in there. They were helping me bring something up." PO [REDACTED] states, "And who came running? Was it the other guy who entered running?" Ms. [REDACTED] responds, "I don't know. I came. I was inside the room." Deputy Inspector [REDACTED] says, "Okay. She rents a room in here. Who are those kids?" PO [REDACTED] translates. Ms. [REDACTED] responds, "They are my son's friends..."

PO Podlovits' BWC recording (BR 24) begins with the officers standing in the hallway outside and to the side of Ms. [REDACTED] apartment. At 00:23, PO Podlovits enters Ms. [REDACTED]

apartment and walks into the kitchen. Ms. [REDACTED] and PO [REDACTED] are standing in the kitchen. At 00:27, PO [REDACTED] holds a document in his right hand and shows it to Ms. [REDACTED]. He then gives the document to PO Podlovits. It appears that PO [REDACTED] leaves the room. PO Podlovits speaks to Ms. [REDACTED] in Spanish. PO Podlovits asks Ms. [REDACTED] to write her name, which she does. He then asks her to write her date of birth, and she does. The video ends.

In PO [REDACTED] BWC recording (BR 25), at 00:05, PO [REDACTED] returns to Ms. [REDACTED] apartment and walks to the kitchen. Ms. [REDACTED] is standing in the kitchen with PO Podlovits. PO Podlovits leaves the kitchen when PO [REDACTED] enters. Between 00:23 and 01:41, PO [REDACTED] speaks to Ms. [REDACTED] in Spanish. Their conversation is summarized in English below. PO [REDACTED] asks Ms. [REDACTED] to write her apartment number. Ms. [REDACTED] asks PO [REDACTED] "And so he came here and what did they find?" PO [REDACTED] tells Ms. [REDACTED] "We are looking for a gun." Ms. [REDACTED] asks, "They saw a gun on him?" PO [REDACTED] responds, "That's what we are looking for here." Ms. [REDACTED] states, "He does not have a gun." PO [REDACTED] further states, "Hold on. Let me finish. Your signature here... Your son is there with them. Put that it is 8 p.m." At 01:41, PO [REDACTED] exits the kitchen and walks into the hallway. The video captures Ms. [REDACTED] son, Mr. [REDACTED] talking to Deputy Inspector [REDACTED]. Deputy Inspector [REDACTED] asks Mr. [REDACTED] "Is that your room back there to the left?" Mr. [REDACTED] replies, "Yes." At 02:15, PO [REDACTED] returns to the kitchen and continues his conversation with Ms. [REDACTED]. PO [REDACTED] tells Ms. [REDACTED] "It is not to disrespect you, but, after he ran away from us, that is called hot pursuit. But we wanted to talk to you and do things calmly. That's why I pulled you to the side and spoke to you normally because we are trying to calm the situation down." He then continues, "Let's finish this. It's 8 p.m. So write 8 p.m. There. The date is March 4, 2019. Are you satisfied with everything that we explained to you? That we are only searching his room? Do you understand? Are you satisfied? Do you understand everything we explained to you?" Ms. [REDACTED] responds, "Yes, you are going to search in the room."

Deputy Inspector [REDACTED] (BR 11) stated that after Mr. [REDACTED] was apprehended, he ordered the officers not to enter Mr. [REDACTED] room. DI [REDACTED] spoke with Ms. [REDACTED]. PO [REDACTED] assisted in translating. Ms. [REDACTED] stated that Mr. [REDACTED] stayed in her apartment occasionally. He then asked the officers to bring Ms. [REDACTED] back to her apartment so she could sign the consent to search form. Due to the language barrier, PO [REDACTED] assisted in translating the consent to search form to Ms. [REDACTED]. Ms. [REDACTED] signed the consent to search form. Afterwards, Deputy Inspector [REDACTED] instructed PO Podlovits and other officers to search only the bedroom where Mr. [REDACTED] was hiding "to be least obstructive and not to violate Ms. [REDACTED] privacy." The officers then entered and searched Mr. [REDACTED] room. Deputy Inspector [REDACTED] did not search the room, but he observed the officers check under the bed and in the closets. At some point, Ms. [REDACTED] told the officers that her safe box was in Mr. [REDACTED] room. She then provided the key to the safe and officers checked it as well. No officer threatened to break the safe. Deputy Inspector [REDACTED] denied PO Podlovits or any other officer searched Mr. [REDACTED] bedroom before Ms. [REDACTED] signed the consent to search form. Deputy Inspector [REDACTED] did not know what happened to the consent to search form, and said that it should have been voucherized as arrest evidence.

The request for the consent to search from to the 52nd Precinct returned negative results. PO Podlovits (BR 04) testified that he escorted Mr. [REDACTED] downstairs after Mr. [REDACTED] was apprehended. PO Podlovits then returned to Ms. [REDACTED] apartment and spoke to Ms. [REDACTED] in English in the kitchen. He asked Ms. [REDACTED] if she saw Mr. [REDACTED] with the gun and if he had one. Ms. [REDACTED] replied, "No." PO Podlovits then asked Ms. [REDACTED] to sign the consent to

search form, allowing the officers to search the apartment. Ms. [REDACTED] agreed to sign the form, but requested the search be limited only to Mr. [REDACTED] bedroom. She also asked to speak to someone in Spanish to explain how to fill out the form. PO [REDACTED] walked into the kitchen and agreed to assist Ms. [REDACTED]. PO [REDACTED] spoke to Ms. [REDACTED] in Spanish, which PO Podlovits does not understand. She then signed the form. PO Podlovits then went to Mr. [REDACTED] room and searched it for a firearm. He opened all the drawers, looked under the bed, in all the closets, and boxes. PO Podlovits saw a locked safe in the closet. PO Podlovits returned to Ms. [REDACTED] and asked for the key to the safe. Ms. [REDACTED] said that the safe was empty, and that she forgot where the key was. PO Podlovits denied telling Ms. [REDACTED] that he would break the safe if she did not provide the key. However, Ms. [REDACTED] told him that that the officers could break the safe if they wanted to. Eventually, Ms. [REDACTED] found the key and opened the safe, which was empty. PO Podlovits did not recover any firearm from Mr. [REDACTED] room. PO Podlovits searched Mr. [REDACTED] room alone. PO Podlovits denied searching Mr. [REDACTED] room before Ms. [REDACTED] signed the consent to search form.

PO Podlovits stated that he recorded the search of Mr. [REDACTED] bedroom on his BWC, but the request for such recording returned negative results (BR 26).

PO [REDACTED] (BR 05) provided a generally consistent testimony with that of PO Podlovits and his BWC recording, with the following additional information and exceptions. PO [REDACTED] acknowledged that he explained the consent to search form to Ms. [REDACTED]. Ms. [REDACTED] signed the consent to search form. PO Podlovits then searched Mr. [REDACTED] room. PO [REDACTED] remained in the kitchen with Ms. [REDACTED] and did not witness the search. PO [REDACTED] did not see PO Podlovits or any other officer search Mr. [REDACTED] room before the consent to search form was signed. PO [REDACTED] did not recall having any conversation with Ms. [REDACTED] about the locked safe in Mr. [REDACTED] room. PO [REDACTED] did not hear PO Podlovits or any officer tell Ms. [REDACTED] that officers would break the safe if she did not provide the key.

PO [REDACTED] (BR 22) denied returning to Ms. [REDACTED] apartment after he brought Mr. [REDACTED] to the lobby. Det. [REDACTED] (BR 08), PO [REDACTED] (BR 10), and PO [REDACTED] (BR 09) testified that they left the scene after Mr. [REDACTED] was apprehended and did not witness what happened in the apartment afterwards.

Allegation (Q) Other Misconduct Noted: Police Officer Richard Podlovits improperly used his body-worn camera according to Patrol Guide Procedure 212-123.

PO Podlovits (BR 04) stated that he recorded the search of Mr. ██████ bedroom. PO (BR 22) stated that he believed that he recorded this incident on his body-worn camera.

On April 19, 2019, the investigation was provided with 12 BWC recordings of this incident, none of which contained PO Podlovits' recorded search of Mr. [REDACTED] bedroom or PO [REDACTED] recording of this incident. On July 22, 2019, a second request for any additional BWC recordings returned negative results (BR 26).

It is mandatory for officers to activate their body-worn camera when engaging in or assisting another uniformed member-of-service with potential crime-in-progress assignments, including “10-85” (excluding administrative assistance) and “10-13” jobs, any incidents involving a weapon, and a search of an individual and/or his/her belongings. NYPD Patrol Guide Procedure 212-123 (BR 27)

As discussed in the above allegations, the investigation has determined that PO Podlovits and PO █ engaged in the police activities as outlined in P.G. 212-123, and thus were required to activate their body-worn cameras.

Because PO Podlovits and PO █ did not do so, it is recommended that they be cited for **Other Misconduct**.

Term	Percentage
Climate change	100%
Global warming	98%
Green energy	95%
Sustainable development	92%
Carbon footprint	88%
Environmental protection	85%
Recycling	82%
Organic food	85%

Civilian and Officer CCRB Histories

- [REDACTED] has been party to three CCRB complaints and has been named a victim in five allegations (BR 29):
 - 201602836 involved allegations of force, which was closed as exonerated, and allegations of abuse of authority (refusal to provide name) and courtesy (action), which were closed as unsubstantiated.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of July 8, 2019, no Notice of Claim has been filed regarding this incident (BR 35).
- According to the Office of Court Administration (OCA), [REDACTED] has no history of convictions in New York City (BR 36).
- According to the Office of Court Administration (OCA), [REDACTED] has no history of convictions in New York City (BR 35).
- According to the Office of Court Administration (OCA), between August 24, 1995 and March 21, 2013, [REDACTED] plead guilty to disorderly conduct (once) and harassment in the second degree (once), and Ms. [REDACTED] received varying amounts of imprisonment and fines. OCA does not list any other convictions (BR 34).
- According to the Office of Court Administration (OCA), between March 16, 1990, and November 27, 2013, [REDACTED] plead guilty to unlawful possession of marijuana (twice), criminal possession of marijuana in the fifth degree (five times), criminal possession of marijuana in the fourth degree (once), criminal sale of marijuana in the fourth degree (three times), theft of service (once), criminal possession of controlled substance in the seventh degree (three times), assault in the third degree (once), criminal possession of controlled substance in the fifth degree (once), and criminal possession of controlled substance in the third (once), and Mr. [REDACTED] received varying amounts of imprisonment and fines. Mr. [REDACTED] was arrested on August 11, 2018, for criminal possession of controlled substance in the seventh degree and disorderly conduct, and is scheduled to appear in court on September 25, 2019. Mr. [REDACTED] criminal case stemming from this incident is still ongoing, and Mr. [REDACTED] is scheduled to appear in court on July 25, 2019 (BR 37).

Squad No.: 4

Investigator: _____ Signature Print Title & Name Date

Squad Leader: _____ Signature Print Title & Name Date

Reviewer: _____ Signature Print Title & Name Date